

REMARKS

Claims 1-9 and 18-19 are pending; claims 1-9 and 18-19 are rejected in this application.

Claims 1, 8, and 18 are amended hereby, and claim 2 is canceled hereby.

Responsive to the rejection of claims 1-3 and 18-19 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 224,490 (Sturges), Applicants have amended claims 1 and 18 and canceled claim 2. Claim 3 depends on claim 1, and claim 19 depends on claim 18.

Accordingly, Applicants submit that claims 1, 3, and 18-19 are now in condition for allowance.

Sturges discloses a housekeeper's safe for receiving and keeping housekeeping utensils including a plurality of interconnected boxes, drawers, and lids. More specifically, the safe includes oblong box A, which is the middle and main portion of the safe. Located on both longitudinal sides of box A are two boxes C and C. The bottom surfaces of boxes C and C are flush with the bottom surface of box A. A lid a is mounted to the bottom surface of box B and is configured to slidably cover or uncover the open top of box A, which is higher than the top surfaces of boxes C and C. Via lid a, box B is, thus, stacked upon box A. When lid a covers box A (i.e., when box A is closed), the center axis of box B and the center axis of box A are coaxial.

In contrast, claim 1, as amended, recites in part "each said plurality of sterilization cases movable between a closed position and at least a partially open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when both said first and said second sterilization cases are in closed positions." (Emphasis added).

Similarly, claim 18, as amended, recites in part "providing both said first and said second sterilization cases are movable between a closed position and at least a partially open position" and "offsetting said second sterilization case from said first sterilization case in a direction transverse to said vertical direction when both said first and said second sterilization cases are in closed positions." (Emphasis added). Applicants submit that such an invention is neither taught,

disclosed or suggested by Sturges, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Sturges discloses that when lid a no longer covers box A (i.e., when box A is open), the center axis of box B (the top box) and the center axis of box A (the bottom box, including both boxes C) are no longer coaxial. That is, Sturges discloses that the top box and the bottom box are offset only when the bottom box is in the open position. Sturges, however, fails to disclose the top and bottom boxes being offset when both the top and bottom boxes are in closed positions.

An advantage of the present invention is that offsetting the cases in their closed positions serves to offset center of gravity shifts and, thus, to prevent tipping when accessing instruments within the individual cases. Another advantage with offsetting the cases in their closed positions is that the footprint of the sterilization case assembly in the operating room is minimized.

For all of the foregoing reasons, Applicants submit that claims 1, 3, and 18-19 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 5-6, and 18-19 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,740,906 (Lai), Applicants have amended claims 1 and 18. Claims 5-6 depend on claim 1, and claim 19 depends on claim 18. Accordingly, Applicants submit that claims 1, 5-6, and 18-19 are now in condition for allowance.

Lai discloses a container combination for stationary goods. This container combination includes a central container assembly 2 and a lateral container assembly 1 mounted on a common baseplate 50. Lateral container assembly 1 includes a plurality of containers 132, each having an open top. The top container may have an enclosure lid 10. Containers 132 can separately rotate horizontally along a common vertical pivot axis. When containers 132 are rotated separately and at varying distances, containers 132 are offset from each other (Figs. 1 and 2).

In contrast, claim 1, as amended, recites in part “said second sterilization case offset from said first sterilization case in a frontward to rearward direction.” (Emphasis added). Similarly, claim 18, as amended, recites in part “offsetting said second sterilization case from said first sterilization case in a frontward to rearward direction.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Lai, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Lai discloses containers that can rotate separately horizontally along a common vertical pivot axis and that are offset when the containers are rotated separately and at varying distances relative to each other. These containers, thus, are able to offset relative to one another in a direction defined by a rotation about a common axis. Lai, however, fails to disclose containers which offset relative to one another in a frontward to rearward direction.

An advantage of the present invention is that offsetting the cases in a frontward to rearward direction facilitates ease of operation. Another advantage is that offsetting the cases in a frontward to rearward direction serves to prevent tipping when accessing instruments within the individual cases.

For all of the foregoing reasons, Applicants submit that claims 1, 5-6, and 18-19 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over Sturges in view of U.S. Patent No. 5,078,460 (Holsinger), Applicants have amended claim 1. Accordingly, since claims 4-6 depend on claim 1, Applicants submit that claims 4-6 are now in condition for allowance.

Sturges is discussed above.

Holsinger discloses a portable work station 10 in the form of a compact briefcase. Portable work station 10 includes a stiff main shell 12 which houses drawers 40 and 42.

In contrast, claim 1, as amended, recites in part “each said plurality of sterilization cases movable between a closed position and at least a partially open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when both said first and said second sterilization cases are in closed positions.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Sturges and Holsinger, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Sturges discloses that when lid a no longer covers box A (i.e., when box A is open), the center axis of box B (the top box) and the center axis of box A (the bottom box, including both boxes C) are no longer coaxial. That is, Sturges discloses that the top box and the bottom box are arguably offset only when the bottom box is in the open position. Sturges, however, fails to disclose the top and bottom boxes being offset when both the top and bottom boxes are in closed positions. Additionally, while Holsinger discloses a portable work station including a main shell housing drawers, Holsinger fails to disclose a plurality of portable work stations stacked on top of each other and offset from each other. Furthermore, Holsinger fails to disclose that the drawers are offset from each other in the closed position.

An advantage of the present invention is that offsetting the cases in their closed positions serves to offset center of gravity shifts and, thus, to prevent tipping when accessing instruments within the individual cases. Another advantage with offsetting the cases in their closed positions is that the footprint of the sterilization case assembly in the operating room is minimized.

For all of the foregoing reasons, Applicants submit that claims 4-6 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Sturges in view of Holsinger as applied to claim 5 and further in view of U.S. Patent No.

5,518,139 (Trower et al.), Applicants have amended claim 1. Accordingly, since claim 7 depends on claim 1, Applicants submit that claim 7 is now in condition for allowance.

Sturges is discussed above.

Holsinger is discussed above.

Trower et al. discloses a portable storage assembly. The storage assembly includes a bottom tub container 20, a series of at least two trays 22 (bottom tray) and 24 (top tray) which nest one within the other and which collectively nest in the tub container 20, and a cover 26 (Figs. 1 and 3). Bottom tray 22 is held in container 20 by cooperative engagement of peripheral rib 60 of bottom tray 22 and flange 54 defined around the periphery of container 20 (column 3, lines 12-21)(Fig. 8). Similarly, top tray 24 is held in bottom tray 22 by cooperative engagement of circumferential rib 60 of top tray 24 and peripheral rib 60 of bottom tray 22 (column 3, lines 47-57)(Fig. 8).

In contrast, claim 1, as amended, recites in part “each said plurality of sterilization cases movable between a closed position and at least a partially open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when both said first and said second sterilization cases are in closed positions.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Sturges, Holsinger, and Trower et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Sturges discloses that when lid a no longer covers box A (i.e., when box A is open), the center axis of box B (the top box) and the center axis of box A (the bottom box, including both boxes C) are no longer coaxial. That is, Sturges discloses that the top box and the bottom box are arguably offset only when the bottom box is in the open position. Sturges, however, fails to disclose the top and bottom boxes (or, second and first cases, respectively) being offset when both

the top and bottom boxes are in closed positions.

Additionally, while Holsinger discloses a portable work station including a main shell housing drawers and Trower et al. discloses a portable storage assembly including a bottom tub container and a series of nesting trays, both Holsinger and Trower et al. fail to disclose a plurality of portable work stations or a plurality of portable storage assemblies, respectively, stacked on top of each other and offset from each other. Furthermore, both Holsinger and Trower et al. fail to disclose that the respective drawers or trays are offset from each other in the closed position.

An advantage of the present invention is that offsetting the cases in their closed positions serves to offset center of gravity shifts and, thus, to prevent tipping when accessing instruments within the individual cases. Another advantage with offsetting the cases in their closed positions is that the footprint of the sterilization case assembly in the operating room is minimized.

For all of the foregoing reasons, Applicants submit that claim 7 is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 8 under 35 U.S.C. § 102(b) as being unpatentable over Trower et al., Applicants have amended claim 8. Accordingly, Applicants submit that claim 8 is now in condition for allowance.

Trower et al. is discussed above.

In contrast, claim 8, as amended, recites in part “said first sterilization case has a top surface, said second sterilization case has a bottom surface, said bottom surface of said second sterilization case at least partially contacts said top surface of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Trower et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Trower et al. discloses “nesting” of the trays. That is, the respective peripheries of the trays and the bottom tub container cooperatively engage to secure the trays. Trower et al. fails to disclose that the bottom surface of the top tray contacts the top surface of the bottom tray during nesting. Indeed, Trower et al. specifically provides that “the interaction of bottom surface 83 of upper tray 24 with the lower tray 22 does not control nesting and the trays 22, 24 are therefore *not vertically stacked*. Rather, they are *nested*.” (emphasis added)(column 4, lines 12-16).

Advantages of stacking the cases such that the bottom surface of the top tray at least partially contacts the top surface of the bottom tray include stability of the sterilization case assembly and ease of access to the instruments contained within the cases.

For all of the foregoing reasons, Applicants submit that claim 8 is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Trower et al. in view of U.S. Patent No. 5,882,097 (Kohagen et al.), Applicants have amended claim 8. Accordingly, Applicants submit that claim 9 is now in condition for allowance.

Trower et al. is discussed above.

Kohagen et al. discloses a tool box. The tool box includes a lower bin 10, a hinged cover 12, containers 50, a tray 64, and molded recesses 40. Lower bin 10 includes a bottom wall 24 and a back wall 30. Molded recess 40 includes cross members or brackets 48 which define a bottom or base of a compartment opening defined by recess 40 (Fig. 3)(column 2, lines 61-64; column 3, lines 3-4). Container 50 fits within recess 40 and is supported by cross members or brackets 48 (column 3, lines 1-4). Back wall 30 includes molded, inner reinforcing ribs 60 which are vertical on the inside of back wall 30. Ribs 60 include a series of ledges 62 which are support ledges for tray 64 (column 3, lines 12-15). Tray 64 includes side walls 74 and 76. Side walls 74, 76 define edges such as edge 78 for side wall 76. Edge 78 rests upon ledges 62, thus supporting tray 64.

Side wall 74 includes an edge 80. Edge 80 rests against the top of a wall 44 associated with recess 40, further supporting tray 64 within bin 10 (column 3, lines 20-26)(Fig. 3). Cover 12 also serves to hold container 50 and tray 64 in place (column 3, lines 40-45).

In contrast, claim 8, as amended, recites in part “said first sterilization case has a top surface, said second sterilization case has a bottom surface, said bottom surface of said second sterilization case at least partially contacts said top surface of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Trower et al. and Kohagen et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Trower et al. discloses “nesting” of the trays. That is, the respective peripheries of the trays and the bottom tub container cooperatively engage to secure the trays. Trower et al. fails to disclose that the bottom surface of the top tray contacts the top surface of the bottom tray during nesting. Indeed, Trower et al. specifically provides that “the interaction of bottom surface 83 of upper tray 24 with the lower tray 22 does not control nesting and the trays 22, 24 are therefore *not vertically stacked*. Rather, they are *nested*.” (emphasis added)(column 4, lines 12-16).

Kohagen et al. discloses container 50 being supported by cross members or brackets 48. Kohagen et al. also discloses tray 64 being supported by ledges 62 of inner reinforcing ribs 60 of back wall 30 and by edge 80 of wall 44 of recess 40. Kohagen et al. fails to disclose supporting container 50 or tray 64 by contacting a bottom surface of tray 64 with a top surface of container 50, or vice versa.

Advantages of stacking the cases such that the bottom surface of the top tray at least partially contacts the top surface of the bottom tray include stability of the sterilization case assembly and ease of access to the instruments contained within the cases.

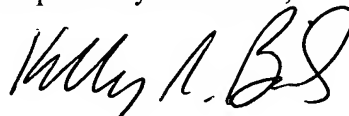
For all of the foregoing reasons, Applicants submit that claim 9 is now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petitions therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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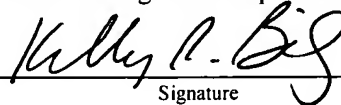
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